

# REVISED LAWS OF MINNESOTA 94

## SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
FRANCIS B. TIFFANY

---

ST. PAUL  
WEST PUBLISHING CO.

1910

## CHAPTER 65.

## REGISTRATION OF TITLE.

**3370. In general.**—Real estate in this state may be registered under the provisions of this act in the manner herein provided. (Laws 1905, c. 305, § 1, as amended by Laws 1909, c. 183, § 2.)

**Historical.**—"An act to amend the title and sections one, twelve, and eighty-one of chapter three hundred and five of Laws of Minnesota for nineteen hundred and five, entitled: 'An act concerning the registration of land and the title thereto in counties of this state having more than seventy-five thousand inhabitants,' and sections thirty-three hundred and seventy, thirty-three hundred and eighty-one, and thirty-four hundred and fifty-one, Revised Laws of Minnesota 1905, which are the same as said sections one, twelve and eighty-one, so that the same shall apply to all counties." Approved April 14, 1909.

Section 1 enacts: "That the title of chapter three hundred and five of the General Laws of Minnesota for the year 1905, be and the same is hereby amended so as to read as follows: An act concerning the registration of lands and the title thereto in the state of Minnesota."

This chapter, as contained in R. L. is the same as sections 1 to 81 of Laws 1905, c. 305, approved April 19, 1905. By section 82 of said act, Laws 1901, c. 237, Laws 1902, c. 11, and Laws 1903, cc. 87, 234, are repealed: "Provided, however, that all rights which have accrued under and by virtue of said acts or any of them, and all proceedings pending thereunder shall be in no manner affected by such repeal. Providing, further, that all rules, orders, judgments, decrees and appointments of the district court heretofore made, entered or declared by virtue of or pursuant to said acts or any of them and not inconsistent with this act, shall be and remain in full force and virtue until the same are altered, modified or revoked."

The acts repealed by section 82 were repealed by R. L. §§ 5544-5546.

**3372. Application, who may make.**—An application for registration may be made by any of the following persons:

First—The person or persons who singly or collectively own the land. Tenants in common shall join in the application.

Second—The person or persons who singly or collectively have the power of disposing of the land.

Third—Infants and other persons under disability, by their guardian duly appointed by the proper probate court in this state.

Fourth—A corporation, by its proper officer, or by an agent duly authorized by the board of directors.

Fifth—Any executor or administrator duly appointed by the proper probate court in this state.

Sixth—A municipal corporation, by its mayor and city clerk, in the case of a city, after a resolution duly passed by its common council so directing, and by the county auditor and chairman of the county board, in the case of a county, after a resolution passed by its county board so directing. (Laws 1905, c. 305, § 3, as amended by Laws 1909, c. 110, § 1.)

**Historical.**—"An act to amend section 3, of chapter 305, General Laws 1905, relating to the registration of the title to land." Approved March 25, 1909.

See note under section 3370.

**In general.**—Any person owning land, whether his title be of record or not, may maintain proceedings to register his title. National Bond & Security Co. v. Alderson, 99 Minn. 137, 108 N. W. 861.

**3375. Application, contents, assent of other claimants.**

Cited in Baart v. Martin, 99 Minn. 197, 108 N. W. 945, 116 Am. St. Rep. 394.

**3381. Examiner of titles.**—The judges of the district court shall appoint one or more competent attorneys in each county within their respective districts to be examiners of titles and legal advisers to the registrar in said county. The examiners of titles shall hold office subject to the will and discretion of the district court by which they are appointed. Their compensation shall be fixed and determined by the said court and shall be paid in the same manner

as the compensation of other county employes is paid; provided, however, that in all counties having a population of less than seventy-five thousand inhabitants, the fees and compensations of the examiners shall be determined by the judge of the district court, and shall in every instance be paid by the person applying to have his title registered. (Laws 1905, c. 305, § 12, as amended by Laws 1909, c. 183, § 3.)

See note under section 3370.

**[3382—]1. Survey in certain counties.**—In any county of this state having more than two hundred thousand inhabitants, the county surveyor thereof shall, at the request of the examiner of titles for such county, make a survey of the plat described in any application for registration under chapter 65, Revised Laws Minnesota, 1905, and file with the clerk of the district court of such county a plat of such land, duly certified, showing the dimensions of the land, the location of all structures, fences and other improvements thereon and such other facts as may be required by the examiner. The surveyor shall also at the request of the registrar of titles of such county, make a survey of any registered land designated by him and file with such registrar a plat of such land, duly certified showing its dimensions and such other facts as the registrar may require. Such plat shall be numbered and entered as a memorial on the original owner's duplicate certificate of such land and transferred with each subsequent certificate affecting such land. In any county in which the county surveyor receives fees in lieu of a salary, he shall be paid such compensation for his services as the county board may determine; in all other counties, he shall receive no other compensation than the salary paid him for other county work. ('09 c. 366 § 1)

**Historical.**—"An act relating to the survey of registered lands by county surveyors in all counties of the state having more than two hundred thousand inhabitants." Approved April 22, 1909.

#### 3394. Opening decree.

Cited in *Baart v. Martin*, 99 Minn. 197, 108 N. W. 945, 116 Am. St. Rep. 394.

#### 3396. Limitation of actions.

**Vacating decree—Fraud.**—After expiration of the period fixed by statute, a title duly and regularly registered is indefeasible, unless such registration was obtained by fraud. When the registration is secured by fraud, and the owner is not notified, the decree and the certificate of registration, may be vacated and set aside, unless an innocent purchaser for value has obtained rights on the faith of the record. As long as the title remains registered in the name of the person guilty of the fraud, the decree and certificate may be set aside, in an action brought by the defrauded party within a reasonable time after notice of the fraud. The mere fact that the statute does not in express words except fraud does not deprive a court of equity of the general jurisdiction to protect parties from the consequences of fraud. *Baart v. Martin*, 99 Minn. 197, 108 N. W. 945, 116 Am. St. Rep. 394.

**3451. Disposition of fees.**—In all counties in which the register of deeds receives fees in lieu of a salary, all fees mentioned in section 80 shall belong to him, except one-half of those provided for in subdivision A, which shall be paid to the county treasurer. In all other counties all of such fees shall be paid to the county treasurer for the use of the county; provided, that in all counties containing a population of less than seventy-five thousand inhabitants, the register of deeds shall in no case retain more than \$3.00 of the moneys received under the provisions of subdivision A, and that the balance collected by him shall in all cases be paid to the county treasurer for the use of the county. (Laws 1905, c. 305, § 81, as amended by Laws 1909, c. 183, § 4.)

See note under section 3370.